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*Time-
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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. DEPARTMENT OF JUSTICE

NOTICE OF INTENTION TO ADOPT THE CONFLICT OF INTEREST CODE

California Cultural and Historical Endowment

The California Cultural and Historical Endowment ("Endowment") was created by the California Cultural and Historical Endowment Act, Education Code sections 20050 et seq. Pursuant to Government Code section 87300 of the Government Code, the Endowment must prepare and adopt a conflict of interest code. The Endowment hereby gives notice that it intends to adopt a conflict of interest code as described herein.

DESCRIPTION OF THE CODE

The proposed code implements the requirements of sections 87300 through 87302 of the Government Code. The code will designate Endowment board members and employees who must disclose certain investments, income, interests in real property and business positions and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. By a resolution adopted at its June 2, 2004 meeting, the Endowment authorized its staff to submit the proposed conflict of interest code to the Office of Administrative Law along with any other materials which the Office of Administrative Law requires to be submitted.

FILING COMMENTS—LOCATION AND DATE

Any interested person may submit written comments on the proposed code by submitting them in writing no later than January 23, 2006, by contacting the contact person set forth below. At this time, no public hearing has been scheduled on the proposed code. However, any interested person or his or her representative may request, no later than fifteen (15) days prior to the close of the written comment period, a public hearing.

AVAILABILITY OF COPIES OF THE CODE

Copies of the proposed code, the written explanation of the reasons for the proposed code, and all of the

information upon which it is based may be obtained from the Endowment by contacting the contact person listed below. Any inquiries concerning the proposed code shall likewise be directed to the Endowment, care of the contact person listed below.

COST CONSIDERATIONS

The Endowment has determined that its proposal:

- (1) Imposes no mandate on local agencies or school districts.
- (2) Imposes no costs or savings to any state agency.
- (3) Imposes no costs to any local agency or school district in which reimbursement is required under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
- (4) Will not result in any nondiscretionary costs or savings to local agencies.
- (5) Will not result in any costs or savings in federal funding to the state.
- (6) Will not have any potential cost impact on private persons, businesses or small businesses.

NO EQUALLY EFFECTIVE ALTERNATIVE

In making this proposal, the Endowment must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

Government Code Section 87300.

REFERENCE

Government Code Sections 87300–7302.

CONTACT PERSON

All inquiries concerning this proposal and any communications required by this notice should be directed to the Endowment, care of:

Diane Matsuda, Executive Officer
California Cultural and Historical
Endowment (CCHE)
P.O. Box 942837
Sacramento, CA 94237-0001
(916) 651-8223
dmatsuda@library.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

ADOPTION/AMENDMENT

Los Rios Community College District

A written comment period has been established commencing on **December 9, 2005** and closing on **January 23, 2006**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review; unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **January 23, 2006**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Continuing Education for Private Applicators
DPR Regulation No. 05-006

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to adopt article 7, sections 6580, 6582, and 6584, in chapter 3, subchapter 1 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action pertains to private applicator certification requirements.

SUBMITTAL OF COMMENTS

Any interested party may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on January 23, 2006. Comments regarding this proposed action may also be transmitted via e-mail <dpr05006@cdpr.ca.gov> or by facsimile (FAX) transmission at (916) 324-1452.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action will not result in any new impacts on small businesses since the regulatory action simply places current provisions of the private applicator certificate program from the Food and Agricultural Code (FAC) into regulation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law requires certification of pesticide applicators who use or supervise the use of restricted materials. Both DPR and the U.S. Environmental Protection Agency (U.S. EPA) designate certain pesticides as restricted materials due to their potential danger to human or environmental health. DPR administers California's certification program that was established in 1976 with final regulations adopted in 1980. The program follows standards set forth in Title 40 of the Code of Federal Regulations Part 171, and has been approved by U.S. EPA. DPR's certification program ensures that pesticide applicators have demonstrated sufficient knowledge to apply pesticides safely and legally.

In 1997, legislation enacted (Chapter 705, Statutes of 1995) separated the private applicator certification program from the issuance of a restricted materials permit and established a continuing education program for certified private applicators (FAC sections 14090–14099.5). A private applicator, as defined in 3 CCR section 6000, is an individual who uses or supervises the use of a pesticide to produce an agricultural commodity on property owned, leased, or rented by him/her or his/her employer; or a householder who uses or supervises the use of pesticide outside the confines of a residential dwelling to control pests on residential property owned, leased, or rented by him/her.

The private applicator certification program is administered by the county agricultural commissioners (CACs) who certify and/or recertify 7,000 private applicators every year statewide. A private applicator must initially take a DPR-prepared examination given by the CAC to obtain a private applicator certificate that may be issued for up to three years. FAC section 14096 authorizes the private applicator to renew the

certificate through continuing education or re-examination. FAC section 14099 provided the hours required to renew a certificate based on continuing education. However, subsection 14099(g) included a provision to sunset section 14099 on January 1, 2003, and, therefore, the continuing education requirements were repealed.

FAC section 11502.5 states that the Director may adopt regulations to require and establish the minimum qualifications for education, examination, and continuing education for the renewal of any license or certificate. DPR proposes to adopt Article 7, Private Applicators, sections 6580, 6582, and 6584 to establish continuing education requirements, as well as clarify private applicator certificate requirements.

Proposed section 6580 would specify that before a person receives a new private applicator certificate, a Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, shall be submitted, and the applicant take and pass the private applicator examination. No fee is required to be submitted with the application. The private applicator certificate would be valid for up to three years in accordance with FAC section 14095.

Proposed section 6582 would specify that a certified private applicator who wants to renew his/her certificate must submit a Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, to the CAC no sooner than 120 days prior to, and no later than 90 days after, the expiration date of the certificate. Also, the private applicator would need to complete the required continuing education hours during the time the certificate is valid, or take and pass the private applicator certificate examination. However, in the event the private applicator does not renew his certification with the above timeframe, he/she would be required to take and pass the private applicator certificate examination.

Proposed section 6584(a) would specify the continuing education hours needed from topic areas described in section 6512(e)(1). FAC section 14095 specifies that private applicator certificates be issued for a period of three years, except that the term of the initial private applicator certificate is based on the first letter of the surname. Therefore, in some instances, licenses could be valid for one year, two years, or even 10 months. It would only be appropriate to proportionately reduce the number of continuing education hours required depending on how long the certificate was valid. The proposed section would break down the number of continuing education hours required based on when the certificate was issued. These required hours are the same as those that were in FAC section 14099 before the section was repealed.

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

Proposed section 6584(b) would require continuing education be taken from courses or programs approved pursuant to 3 CCR section 6512.

Without the adoption of the proposed regulation, private applicators will no longer be able to renew their certificate through continuing education and must retake the private applicator examination administered by the CACs.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

The proposed regulation will not result in any new costs to the CACs since the regulatory action places the certified private application continuing education program that was originally established under FAC section 14099(g) into regulation.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any agency will result from the proposed regulatory actions.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed actions will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant cost impact on representative private persons or businesses.

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Private applicators have examined for their certification and renewed their certificate through continuing education under the FAC since January 1, 1997. Therefore, the costs incurred by private persons or businesses associated with private applicator certificates and their renewals through continuing education are not impacted by the proposed regulatory action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR has determined that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 11502, and 11502.5.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 14091, 14092, 14093, 14095, and 14096.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest.

If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street
P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning DPR's continuing education regulations, may be directed to:

Ada Scott, Manager
Pest Management and Licensing Branch
Department of Pesticide Regulation
(916) 445-4118

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE HEAVY-DUTY VEHICLE SMOKE INSPECTION PROGRAM (IMPLEMENTATION OF ASSEMBLY BILL 1009, PAVLEY 2004, CHAPTER 873)

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider amendments to the Heavy-Duty Vehicle Inspection Program. This notice summarizes the staff proposal.

DATE: January 26, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95812

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 26, 2006, and may continue at 8:30 a.m., January 27, 2006. This item may not be considered until January 27, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before January 26, 2006, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations, sections 2180, 2180.1, 2181, 2182, 2183, 2184, 2185, 2186, 2187, and 2188. Proposed adoption to title 13, California Code of Regulations, section 2189: Heavy-Duty Smoke Emissions Test and Heavy-Duty Vehicle Emissions Control System Inspections.

Background: On September 29, 2004, Assembly Bill 1009 (AB1009) was signed into law, amending Health and Safety Code Section 43701. The amendments require ARB to develop and implement, in consultation with the California Highway Patrol, regulations to ensure that heavy-duty commercial vehicles (HDCVs) operating in California are equipped with engines that, at the time of manufacture, met standards that were at least as stringent as emission standards promulgated by the United States Environmental Protection Agency (U. S. EPA). In adopting AB 1009, the Legislature found that heavy-duty vehicles equipped with engines emitting greater levels of oxides of nitrogen (NOx) and particulate matter (PM) than those designed to meet standards adopted by the U. S. EPA contribute to higher levels of ozone and PM, and pose a threat to public health in California.

ARB staff's proposal is designed to meet the requirements of the legislation. In developing its proposal, ARB staff met with stakeholders from companies that operate HDCVs in California, representatives from manufacturer-authorized HDCV ser-

vice providers, representatives from the California Highway Patrol, and other interested parties at public workshops held on May 16, 2005, and June 17, 2005.

Background: In response to environmental concerns and public health impacts from the operation of in-use heavy-duty diesel-powered vehicles, the legislature in 1988 directed the ARB to design and enforce a heavy-duty vehicle smoke enforcement program. The regulations governing this program, the Heavy Duty Vehicle Inspection Program (HDVIP), were adopted by the ARB in 1990, and the program became operative in November 1991. Under the HDVIP, in-use heavy-duty diesel and gasoline-powered trucks are tested for excessive smoke and are inspected for tampered emission control systems. Intrastate, interstate, and international vehicles are all subject to these inspections that are conducted in cooperation with the California Highway Patrol (CHP) at CHP weigh stations and at random roadside locations. Owners of vehicles failing prescribed test procedures are issued citations that require prompt vehicle repairs and carry civil penalties ranging from \$300 to \$1800 per violation. The HDVIP program regulations were updated in December 1997, in order to incorporate new Society of Automotive Engineers (SAE) J1667 test procedures and other program protocols. In 2004, the HDVIP regulations were amended to inspect and assess penalties for scan tool evaluation violations under title 13, CCR, section 2011.

Staff's Proposal: The ARB staff's proposal would apply to all 1977 and later model year diesel-powered HDCVs operating in California with a gross vehicle weight rating (GVWR) greater than 10,000 pounds. Presently, under the HDVIP regulations, staff inspects vehicles for missing emission control labels (ECL) but has not been, in general, assessing penalties for missing ECLs. Under the staff's proposal, the ARB would amend its current HDVIP smoke inspection procedure to require, one year after the amendments become effective, a mandatory penalty of \$300 for a missing ECL. If a citation is issued for a missing ECL within the first twelve months from the effective date of the regulations, the civil penalty would be waived provided the owner/operator, within 45 days of the date of the citation, obtains a replacement ECL that is affixed to the engine by an authorized engine repair/service facility.

The proposal would require that ECLs be affixed to the engine so that ARB will be able to determine, pursuant to the mandate of AB 1009, whether the vehicle has been manufactured to meet at least U. S. certification standards. For HDCVs with an affixed label, but which are not equipped with engines that met U.S. certification standards at the time of

manufacture, the owner or operator of the vehicle would receive an additional citation also mandating a civil penalty of \$300.

It would be presumed at the time of inspection that an HDCV without a label affixed to it does not at least meet federal certification standards. Therefore, the owner would be cited for both violations identified above. However, the penalty for operating in California with a non-compliant engine would be waived provided the owner/operator, within 45 days of the date of the citation, obtains a replacement ECL that indicates the engine was in fact certified to meet at least U.S. EPA standards applicable at the time of manufacturer. As discussed above, the penalty for operating with a missing ECL would not be waived beyond the twelve month period following the effective date of the regulation. ARB enforcement staff would cite HDCVs that do not meet the ECL and certification requirements each time they are found to be operating illegally in California.

In addition to adding specific language regarding penalties under AB 1009, amendments to the civil penalty section set forth at section 2185 of the HDVIP are being proposed to provide additional clarity. The staff determined that the incorporation of the proposal contained herein necessitated modifications to improve the overall flow of the regulatory text.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations at this time. Federal regulations for heavy-duty engines are limited to establishing emission standards for NOx, PM, hydrocarbons (HC), and carbon monoxide (CO). The regulations also require that all new heavy-duty engines have an ECL affixed. U. S. EPA's authority to adopt emission standards for "new engines" is authorized under section 202(b) of the federal Clean Air Act. While states are generally preempted from adopting their own emission standards for motor vehicles, California has uniquely set its own emission standards under the preemption waiver provisions of section 209(b) of the Act.

The proposed amended regulations apply to the operation of in-use vehicles in California. This is authorized under CAA section 209(d), which provides that any state or political subdivision may control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing

to Consider Amendments to The Heavy-Duty Vehicle Smoke Inspection Program (Implementation Of Assembly Bill 1009, Pavley 2004, Chapter 873)".

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on January 26, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Tullie Flower, Air Resources Engineer, at (916) 322-5848, or Mr. Donald Chernich, Manager, Heavy-Duty Diesel Inspection/Maintenance Development Section, at (916) 322-7620.

Further, the agency representative and designated back-up contact persons to who nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/hdvp2006/hdvp2006.htm>

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer has determined that certain private persons and businesses will incur costs to comply with the staff's proposal.

Those impacted are companies that operate HDCVs in California, including out-of-state and out-of-country businesses. Such companies would incur costs under the proposal if they currently operate HDCVs in California equipped with engines that do not meet or exceed U.S. certification standards at the time of manufacture, or for any HDCV that is missing its engine ECL. The costs would cover replacement of HDCVs that fail to at least meet U.S. certification standards for the year of manufacture of the engine, and necessary replacement of missing or illegible engine ECLs. Based on data collected from HDCVs at roadside locations, the staff has estimated total compliance costs in the 2006 calendar year to be approximately \$20 million for the estimated 400,000 diesel-powered HDCVs that operate in California.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code sections 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses that operate diesel-powered HDCVs within California. Staff was unable to determine the number or percentage of total businesses impacted that are small businesses.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received no later than 12:00 noon, January 25, 2006, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: hdvip2006@listserv.arb.ca.gov and received at the ARB no later than 12:00 noon, January 25, 2006.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB no later than 12:00 noon, January 25, 2006.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43016, 43018, 43701, and 44011.6.

This action is proposed to implement, interpret and make specific sections 39002, 39003, 39010, 39033, 43000, 43013, 43016, 43018, 43701, and 44011.6 Health and Safety Code, and sections 260, 305, 410, 505, and 545 Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications

clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

TITLE 14. DEPARTMENT OF FISH AND GAME

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Department of Fish and Game (DFG) proposes to amend Section 187, Title 14, California Code of Regulations (CCR). This section pertains to the Weight in the Round Conversion Factor for Tanner Crab.

PUBLIC HEARING

Pursuant to Government Code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if the DFG receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento, California.

SUBMISSION OF WRITTEN PUBLIC COMMENTS

Any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the DFG. All written comments must be received by the DFG at this office no later than 5:00 p.m. on January 23, 2006, in order to be considered. All written comments must include the true name and mailing address of the commenter.

Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
Marine Region Regulatory Unit
P.O. Box 944209
Sacramento, CA 94244-2090
Attention: Scott Barrow
Fax: (916) 651-7672
e-mail: sbarrow@dfg.ca.gov

PERMANENT ADOPTION OF REGULATION

The DFG may adopt the proposal as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of modified proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person

designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Fish and Game Code Section 8042 grants the DFG authority to adopt regulations to determine the conversion factor for landing tax adjustment for delivery of processed fish. These regulations implement, interpret, and make specific Fish and Game Code sections 8042 and 8051.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Fish and Game Code sections 8040, 8041, and 8042 specify the requirements by which commercial fish buyers or fishermen shall pay landing tax to the Department for the sale of fish. Section 8042 further provides that if the tax is imposed based upon weight in the round, and the fish is cleaned, gutted, beheaded or otherwise not in the round at the time of delivery, the taxes shall be adjusted by a conversion factor as determined by the Department by regulation.

The Department proposes to amend Section 187, Title 14, CCR, to include a conversion factor for Tanner crab (*Chionecetes spp.*), of 161 percent of the weight landed. The proposed amendment is needed for consistency with proposed commercial Tanner crab fishing regulations currently under consideration by the Fish and Game Commission (OAL Notice file #Z-050-1006-02) that would authorize the commercial harvest of Tanner crab in a processed form.

The 161 percent conversion factor was derived from *Recoveries and Yields from Pacific Fish and Shellfish*, Alaska Sea Grant Marine Advisory Bulletin 37, 1994. The conversion factor was also confirmed in 2005 by personal communication with Alaska Department of Fish and Game personnel involved in Alaskan Tanner crab fisheries.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None
- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the DFG must determine that no reasonable alternatives considered by the DFG or that has otherwise been identified and brought to the attention of the DFG would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons that the proposed action.

AVAILABILITY OF DOCUMENTS AND DFG CONTACT PERSON

The DFG has prepared an Initial Statement of Reasons (ISOR) for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the regulations as proposed in strikeout-underline format, the ISOR, the Final Statement (when available), and all information upon which the proposal is based (rulemaking file) may be obtained upon request from the:

Department of Fish and Game
Marine Region Regulatory Unit
P.O. Box 944209
Sacramento, CA 94244-2090

Questions regarding the proposed regulation, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Scott Barrow (916) 651-7670. Notice

of the proposed action shall be posted on the Department of Fish and Game Marine Region website at <http://www.dfg.ca.gov/mrd/index.html>.

TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 250 Gateway Boulevard, South San Francisco, California, 94080 at 1:30pm, on Friday, January 27, 2006.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on Monday, January 23, 2006, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1628, 1628.2, 1631, 1632, 1633, 1632.5 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Title 16 of the California Code of Regulations, Sections 1021, 1028, 1034, and Add Section 1034.1.

Existing law authorizes the board to regulate the issuance of dental licenses and specifies the methods of qualification for applicants for licensure. These regulations will update current regulations to allow applicants to qualify for licensure through WREB examination, which exists in statute, but not currently in regulation. These regulations will allow application, collection of fees, and establish the processes neces-

sary to license applicants qualifying by WREB examination and implement the provisions of SB 1865.

Senate Bill 1865, (Chapter 670 in the 2004 Legislative Session), expanded the existing statutes as they relate to examination for licensure in California. Specifically, the law allows candidates who wish to practice dentistry in California to pass the Western Regional Examination Board (WREB) examination as an alternative to passing the California Licensure Examination. Acceptance of a passing score on the WREB examination was predicated on a review of the WREB examination's compliance with Section 139 that was to be conducted by the Department of Consumer Affairs' Office of Examination Resources. In accord with the statutory mandate, this analysis was completed by September 30, 2005. This statute also mandates that the review must conclude that the WREB examination tests procedures comparable to the practice of dentistry in California. Before issuance of a California dental license, the statute specifies that candidates who pass the WREB examination will be required to pass the California Law & Ethics Examination (and meet uniform licensure requirements, which are necessary of all individuals wishing to receive a dental license in California). This bill passed as an urgency statute and must take effect immediately.

The Department of Consumer Affairs' Office of Examination Resources completed its review on September 30, 2005 and determined that the WREB examination conforms to the requirements of Section 139 and is comparable to the practice of dentistry in California as mandated by SB 1865. The proposed regulations are necessary to implement the statutory mandate on the urgency basis required.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Dental Board of California has determined that this regulatory proposal will not have a significant impact on the

creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. New jobs or businesses may be created by new licensees, however it is not possible to determine the number of such jobs or businesses that may be created.

Cost Impact on Representative Private Person or Business: The Dental Board of California is not aware of any cost impact that a representative private person or business would necessarily incur in a reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses since the Dental Board of California is the only entity that administers a licensure examination for California dentists.

CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written

request to the contact person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Donna Kantner
Address: 1432 Howe Avenue, Suite 85
Sacramento, California 95825
Telephone No.: 916-263-2300 x2308
Fax No.: 916-263-2140
E-Mail Address: Donna_Kantner@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Donna Kantner (916) 263-2300, ext. 2308

Website Access Materials regarding this proposal can be found at www.dbc.ca.gov

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO IDENTIFY ENVIRONMENTAL TOBACCO SMOKE AS A TOXIC AIR CONTAMINANT

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of a regulatory amendment identifying environmental tobacco smoke (ETS) as a toxic air contaminant (TAC). In addition to identifying ETS as a TAC, the proposed regulatory amendment specifies that there is not sufficient available scientific evidence to support the designation of a threshold exposure level to ETS below which no significant adverse health effects are anticipated.

DATE: January 26, 2006
TIME: 9:00 a.m.
PLACE: California Environmental Protection Agency
Byron Sher Auditorium, Second Floor
Air Resources Board
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the ARB, which will commence at 9:00 a.m., January 26, 2006, and may continue at 8:30 a.m., January 27, 2006. This item may not be considered until January 27, 2006. Please consult the agenda for the meeting, which will be available at least ten days before January 26, 2006, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049.

TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Section Affected: Proposed amendments to title 17, California Code of Regulations (CCR) section 93000.

Background:

Assembly Bill 1807 (Stats. 1983, ch. 1047; Health and Safety Code section 39650 et seq., Food and Agriculture Code section 14021 et seq.) sets forth procedures for the identification and control of toxic air contaminants in California. In accordance with those procedures, staff is proposing that ARB amend section 93000 of title 17, California Code of Regulations, by adding ETS to the list of toxic air contaminants with no identified threshold exposure level below which no significant adverse health effects are anticipated.

In accordance with Health and Safety Code sections 39660 and 39661, the Office of Environmental Health Hazard Assessment (OEHHA) staff has prepared an evaluation of the health effects of ETS. In addition, ARB staff has prepared a report (Report) on ETS, which includes the OEHHA health effects evaluation. OEHHA staff found that exposure to ETS is directly associated with a variety of adverse health outcomes involving developmental, respiratory, carcinogenic, and cardiovascular effects. Some of these adverse health outcomes include heart disease; lung cancer; nasal sinus cancer; and breast cancer in younger, primarily premenopausal women. ETS has also been shown conclusively to be the cause of a number of serious impacts to children's health, such as sudden infant death syndrome (SIDS); pre-term delivery; low birth weight; induction and exacerbation of asthma; chronic respiratory symptoms; and increased acute lower respiratory and middle ear infections.

OEHHA staff estimated a nonsmoker's risk associated with various health outcomes. For example, OEHHA staff estimates that approximately 1,700-5,500 deaths will occur annually in California due to heart disease in nonsmokers exposed to ETS. Likewise, OEHHA estimates that about 400 to 1,100 lung cancer deaths in California per year are ETS-related. For ETS-exposed premenopausal women, OEHHA estimates an increase of 68 to 120 percent in breast cancer cases, relative to non ETS-exposed non-smoking women. For children, OEHHA determined that each year ETS may cause low birth weight for 1,600 newborns in California and at least 31,000 children in California will experience one or more ETS-related asthma episodes (new onset or exacerbation). About 50,000 children annually are estimated to develop middle ear infections and 18,000 to 36,000

children each year may develop lower respiratory infections, due to ETS exposure. With lung cancer deaths, heart disease deaths, and cases of SIDS, one can attribute about 4,000 deaths per year in California to ETS exposure.

OEHHA staff also found that there was not sufficient scientific evidence to support the identification of an exposure level below which carcinogenic effects would not have some probability of occurring and recommended that ETS be treated as having no identified threshold.

Other agencies and scientific bodies have also published comprehensive reviews of ETS. These include the 1986 Report from the Surgeon General by the National Research Council (NRC), the 1992 U.S. Environmental Protection Agency (U.S. EPA) report, and a 1997 California Environmental Protection Agency, OEHHA review. These reports show that ETS exposure is causally associated with respiratory illnesses, lung cancer, childhood asthma, and lower respiratory tract infections. However, scientific knowledge about ETS-related effects has grown considerably since the release of these reviews.

The Scientific Review Panel (SRP), established pursuant to Health and Safety Code section 39670, has reviewed the Report, and has submitted written findings to ARB, in accordance with Health and Safety Code section 39661. The SRP found the Report on ETS, as well as the scientific procedures, methods, data, conclusions, and assessments to be based upon sound scientific knowledge, methods, and practices, and adopted findings recommending ARB identify ETS as a TAC.

Description of Proposed Regulatory Action:

In accordance with Health and Safety Code section 39662, ARB staff has prepared a proposed regulation identifying ETS as a TAC with no identified threshold exposure level. No control measures for ETS are proposed for adoption at this hearing. If ETS is listed as a TAC, Health and Safety Code section 39665 provides for the development of a report on the need for, and appropriate degree of, control measures to reduce ETS emissions. The report will be developed in a full, open, public process and in accordance with Health and Safety Code sections 39665 and 39666.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal regulations.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff, with the participation of OEHHA staff, has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action. The ISOR summarizes the basis for the proposed regulation, the environmental and economic impacts

of the proposal, and the findings of the SRP. The technical support documents reviewed by the SRP are referenced in the ISOR. The technical support documents consist of the SRP-approved Executive Summary; Part A, Exposure Assessment, prepared by ARB staff; Part B, Health Assessment, prepared by OEHHA staff; and Part C, Public Comments and ARB/OEHHA Staff Responses, prepared by both ARB and OEHHA staff.

Copies of the ISOR and technical support documents, the full text of the proposed regulation, and any other information on which the proposal is based may be accessed on ARB's website listed below, or may be obtained at ARB's Public Information Office, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing January 26, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons listed in this notice, or may be accessed on ARB's website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact person, Jim Stebbins, Air Pollution Specialist, Substance Evaluation Section, Air Quality Measures Branch, Stationary Source Division, at (916) 322-2778, or to Jim Aguila, Manager, Substance Evaluation Section, Air Quality Measures Branch, Stationary Source Division, at (916) 322-8283.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's Internet site for this rulemaking at: www.arb.ca.gov/regact/ets2006/ets2006.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulatory action is presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state; costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (com-

mencing with section 17500), division 4, title 2 of the Government Code; or any other nondiscretionary cost or savings to local agencies.

The Executive Officer finds that the identification of ETS as a TAC will not require any private person or business, including any small business, to incur any cost in reasonable compliance with the proposed action. If, and when, the need and appropriate degree of control for ETS are considered by ARB during the risk management process, all costs of compliance will be described and considered.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons and businesses. ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant adverse statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed amendment will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing business within the State of California, and the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed amendments can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulation will not affect small businesses because the proposed regulation will have no regulatory effect on small businesses.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by email before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received

no later than **12:00 noon January 25, 2006**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: ets2006@listserv.arb.ca.gov, and received at ARB no later than **12:00 noon, January 25, 2006**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at ARB **no later than 12:00 noon, January 25, 2006**.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least ten days prior to the hearing. ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY

This regulatory amendment is proposed under the authority granted in sections 39600, 39601, and 39662 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific, sections 39650, 39660, 39661 and 39662 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, The Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Health Planning and Facility Construction

Chapter 16. Vocational Nurse Scholarship and Loan Repayment Program

NOTICE OF PROPOSED RULEMAKING

The Office of Statewide Health Planning and Development ("Office") proposes to adopt regulations to establish the statewide Vocational Nurse Scholarship and Loan Repayment Program that is created in Health and Safety Code section 128485. The Office will consider all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Office has not scheduled a public hearing on this proposed action. However, the Office will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than fifteen (15) days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Office. The written comment period closes at 5:00 P.M. on January 23, 2006. The Office will consider only comments received at the Office by that time. Submit comments to:

Diane Tomoda
Interim Executive Director
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Health and Safety Code section 127010 establishes the director of the office shall have powers of a head of the department. Government Code section 11152 establishes the head of each department may adopt such rules and regulations as are necessary to govern the activities of the department and may assign to its officers and employees such duties as he sees fit. The purpose of the proposed regulations is to implement, interpret, or make specific sections 128475 through 128501 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Office proposes to adopt sections 97900 through 97927 in Title 22 of the California Code of Regulations. The purpose of the regulations is to

establish the provisions to administer the statewide Vocational Nurse Scholarship and Loan Repayment Program.

Health and Safety Code section 128475 provides financial assistance to vocational nursing students and graduates who agree to a period of obligated professional service in a medically underserved area in California.

Section 97900 Chapter Definitions will define the terms contained in Chapter 16 of Title 22 of the CCR. The Office is proposing sixteen (16) definitions.

Section 97901 Available Funding will specify that scholarships and loan repayments shall be limited by the amount of funds in the Vocational Nurse Education Fund.

Section 97902 Exceptions to Service or Payment Obligations for Scholarships or Loan Repayment Awards will specify that exceptions to service or payment obligations shall be made under certain circumstances.

Section 97910 Scholarship Eligibility will specify that vocational nursing students and licensed vocational nurses enrolled as associate degree nursing students may apply for a scholarship. This section also specifies that applicants with a contractual service obligation to another entity are ineligible to receive a scholarship.

Section 97911 Duration and Terms of Scholarship Award will specify that a scholarship shall be awarded for one (1) academic year at a time and additional awards may be granted if certain conditions are met.

Section 97912 Permissible Scholarship Costs will specify that a scholarship shall support educational expenses for a vocational nursing or associate degree nursing education.

Section 97913 Scholarship Application Process will specify that a completed application shall contain specific information and that there are two (2) annual opportunities to apply for this program.

Section 97914 Scholarship Selection Process will specify that the Foundation shall consider factors that may indicate the probability of program success, and the nursing or vocational nursing workforce needs of the state and of the medically underserved areas.

Section 97915 Disbursement of Scholarship Award will specify that the scholarship amount shall be issued to the educational institution where the recipient is enrolled, and the educational institution shall deduct tuition and other fees and issue a check for the balance to the recipient.

Section 97916 Service Obligation Provisions for Scholarship Recipient will specify that the scholarship recipient shall agree to a contractual service

obligation to practice nursing for twenty four (24) months in a medically underserved area. The proposed regulation will specify that vocational nursing student must begin their mandatory service obligation within twelve (12) months of graduation, and the licensed vocational nurse who is an associate degree nursing student must begin their mandatory service obligation within six (6) months of graduation.

Section 97917 Penalties for Failure to Comply with Requirements of Program will specify that failure to complete the academic program and/or service obligation shall result in repayment of the scholarship award plus interest.

Section 97920 Loan Repayment Eligibility will specify that an applicant must be a licensed vocational nurse practicing direct patient care in a medically underserved area. This section also specifies that applicants with a contractual service obligation to another entity are ineligible to receive a loan repayment.

Section 97921 Loan Repayment Awards will specify that the loan repayment shall repay outstanding governmental and commercial educational loans related to the recipient's vocational nurse education. This section also specifies that the loan repayment award shall not exceed the estimated annual average cost of vocational programs throughout the state and the Office may repay all or part of a particular loan.

Section 97923 Terms of Loan Repayment specifies that loan repayments shall be made on a quarterly basis and a quarterly report and updated lender statement must be provided before loan repayment funds are released. This section also specifies that, should the outstanding loan(s) be repaid by the Office and funds remain in the recipient's contract, those funds shall be disbursed directly to the program recipient. This section also requires the recipient to make concurrent loan repayments.

Section 97924 Loan Repayment Application Process will specify that a completed application shall contain specific information and that there are two (2) annual opportunities to apply for this program.

Section 97925 Selection Process will specify that the Foundation shall consider the nursing or vocational nursing workforce needs of the state and of medically underserved areas.

Section 97926 Service Obligation Provisions for Loan Repayment Recipient will specify that the loan repayment recipient shall agree to a contractual service obligation to practice vocational nursing for twenty four (24) months in a medically underserved area. The section specifies that the service obligation shall commence upon the signing of the contract between the Office and recipient, and shall be fulfilled in a full-time basis.

Section 97927 Penalties for Failure to Comply with Requirements of Program shall specify that failure to meet program requirements shall result in repayment of the loan repayment award plus interest.

DISCLOSURE REGARDING THE PROPOSED ACTION

The Office had made the following determinations:

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: Additional expenditures of \$138,000 has been allocated in the Governor's FY 2005–06 Budget.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 to 17630: None
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None. The Office has determined that the proposed regulations do not affect small business because these regulations pertain to vocational nursing students and graduates.
- Cost impacts on a representative private person or businesses: The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will not do any of the following: (1) Create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None

CONSIDERATION OF ALTERNATIVES

The Office must determine that no reasonable alternative considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

The Office invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Diane Tomoda
Interim Executive Director
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814
(916) 324-6500

The backup contact person for these inquiries is:

Monique Voss
Program Director
Health Professions Education Foundation
818 K Street, Room 210
Sacramento, CA 95814
(916) 324-6500

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The Office shall have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Public Notice, the proposed text of regulations, the Initial Statement of Reasons, and materials upon which the Office relied in developing the regulations. Copies may be obtained by contacting Diane Tomoda at the address and telephone number noted above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the written comment period and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this notice. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Diane Tomoda at the address indicated above. The Office will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named above.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Public Notice, the Initial Statement of Reasons, and the text of regulations in underline and strikeout may be accessed through our websites at www.oshpd.ca.gov and www.healthprofessions.ca.gov.

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

NOTICE OF PROPOSED CHANGES
IN REGULATIONS

ORD #0705-11

ITEM # 1 Division 22 State Hearing Amendments

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held January 25, 2006, as follows:

January 25, 2006
Office Building # 9
744 P St., Room #104
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on January 25, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at

<http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP) Division 22, (State Hearing and Request for Review); Chapter 22-000 (State Hearing—General); Section 22-000 (State Hearing General); Section 22-001 (Definitions); Section 22-002 (Determination of Time Limits); Section 22-003 (Right to a State Hearing); Section 22-004 (Request for a State Hearing); Section 22-009 (Time Limit on Request for a State Hearing); Section 22-045 (Setting the Hearing); Section 22-049 (The Hearings—General Rules and Procedures); Section 22-050 (Evidence); Section 22-053 (Postponements and Continuance for Additional Evidence); Section 22-054 (Dismissals); Section 22-059 (Communications After Hearing); Section 22-061 (Submission of Proposed Decision/Adoption); Section 22-063 (Notice of Decision); Section 22-064 (Availability of State Hearing Records); Section 22-065 (Rehearing); Section 22-069 (County Welfare Responsibility); Section 22-071 (Adequate Notice); Section 22-072 (Timely Notice—Aid Pending Hearing); Section 22-073 (County Welfare Agency Responsibility Prior to the State Hearing); Section 22-074 (Preliminary Hearing Procedure); Section 22-075 (Dismissal of a Preliminary Hearing); Section 22-076 (Procedure After the Preliminary Hearing); Section 22-077 (Hearing not Held in County Responsible for Aid); Section 22-078 (Compliance with State Hearing Decisions); and Section 22-085 (Authorized Representative).

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Welfare and Institutions Code Sections 10950 through 10967 provide authorization and requirements for state hearing provisions regarding public social service programs subject to a state hearing such as CalWORKs, food stamps and Medi-Cal. The state hearing regulations implementing these statutory

requirements are found at Manual of Policies and Procedures (MPP) Sections 22-000 et. seq. There have been no recent changes to Welfare and Institutions Code Sections 10950 through 10967. Revisions are being made to MPP Sections 22-000 et seq. to make the state hearing process more efficient and to clarify ambiguous or unclear language.

Current regulations contained in Manual of Policies and Procedures (MPP) Division 22 provide standards and requirements for the administration of state hearings whereby a dissatisfied claimant may obtain an impartial review of a county welfare department (CWD) agency action. The proposed regulations are expected to make the process more efficient and improve the existing regulations used in preparing, scheduling and conducting state hearings.

This review and revision of the state hearing regulations contains many nonsubstantive and technical changes as well as policy decisions.

These provisions provide authority for the Director to designate that a state hearing decision is a precedent decision because it contains a significant legal or policy determination of general application that is likely to recur.

These provisions clarify that there is no jurisdiction through state hearing process in matters involving child custody and child welfare service issues while the child is under the jurisdiction of the juvenile court.

These provisions provide remedies, including the tolling of the period to file for a hearing, the right to a postponement, and the right to aid paid pending, to limited-English-proficient claimants who receive notices of action that do not meet the requirements of MPP Section 21-115.2.

Current regulations provide that if the parties agree or if the Administrative Law Judge determines on his/her own motion, the hearing will proceed only on the jurisdictional issue. These provisions clarify that prior to a hearing, a party may request in writing to the regional Presiding Administrative Law Judge that a hearing be limited to the jurisdictional issue.

Current regulations provide that if a claimant fails to appear for a state hearing, he/she has 10 days to reopen the request for hearing and then following a nonappearance decision, the party has 30 days to request a rehearing. These provisions modify this process by eliminating the 10-day reopening period. Instead, a dismissal decision is immediately issued when the claimant does not attend the hearing. The claimant is given 15 days from receipt of the dismissal decision to request the dismissal decision be set aside. If the dismissal decision is not set aside, the claimant is advised of the right to appeal in Superior Court.

Current regulations set forth certain alternatives for county representation of a case when the claimant resides out of county. These provisions allow the

responsible county to appear by telephone when the claimant resides in another county and the state hearing is held in that county of residence.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
2. Costs to Local Agencies or School Districts: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

LOCAL MANDATE STATEMENT

These regulations impose a mandate upon county welfare departments but not upon school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et. seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, 10604, 10952, and 10960, Welfare and Institutions Code. Subject regulations implement and make specific Sections 10051, 10553, 10554, 10605, 10613, 10950, 10951, 10952, 10952.5, 10955, 10956, 10957, 10958.1, 10959, 10960, 10961, 10963, 10965, 10967, 11209, 11265.2, 11265.3, 11323.6, and 11323.8, Welfare and Institutions Code; Sections 6700, 6701, 11425.10, 11425.60, 11430.10(a), and 11435.65, Government Code; 7 CFR 273.15; 45 CFR 205.10; 45 CFR 235.112(c)(2); 45 CFR 255.2(h)(2), .4(j)(1) and 256; and Section 44, Probate Code.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Rick Torres (916) 657-2586

Backup: Alison Garcia (916) 657-2586

GENERAL PUBLIC INTEREST

BOARD OF FORESTRY AND FIRE PROTECTION

CORRECTION TO NOTICE OF PROPOSED RULEMAKING

Amador Plan, 2006

OAL File # Z05-1108-01/Z05-1118-02

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend:

§ 1261. Standards for Personnel Assignment and Cost Apportionment.

CORRECTION

Revised Written Comment Period: The date for the end of the 45-Day written comment period is revised to January 4, 2006. A previous correction notice published on December 2, 2005 indicated an incorrect written comment period ending date of January 4, 2005.

CONTACT PERSON

For questions regarding the regulation or Notice of Correction please contact

Board of Forestry and Fire Protection
Attn: Christopher Zimny
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9418

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Cypress Avenue Bridge Project Shasta County

The Department of Fish and Game (Department) received notice on November 17, 2005 that the City of Redding proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of replacing and widening Cypress Avenue at its crossing of the Sacramento River in Shasta County. The activities will include in-water work which will impact listed fish species and will necessitate removal of riparian vegetation.

The National Marine Fisheries Service, on March 23, 2004, issued to the Federal Highway Administration (FHWA), a no jeopardy federal biological opinion (SWR-01-SA-5675:MET) which considers the federally and state endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and federally and state threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City of Redding is requesting a determination that the federal biological opinion SWR-01-SA-5675:MET is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the City of Redding will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number TRK#2080-2005-027-06

PROJECT: Groundwater Contamination Investigation

LOCATION: 11,785 acres in the southernmost portion of the City of Beaumont, Riverside County, south of Interstate 10 and west of State Highway 79.

NOTIFIER: Mr. Gene Matsushita, Lockheed Martin Corporation Properties
2950 North Hollywood Way, Suite 125,
Burbank, CA 91505

BACKGROUND

The Lockheed Martin Corporation ("LMC") plans to conduct groundwater and soils contaminant investigation activities at the Potrero Creek ("Site 1," 9,117-acres) and Laborde Canyon ("Site 2," 2,668-acres) properties in Riverside County. Activities will include: quarterly groundwater level measurements, sampling, and repair at groundwater wells; the installation of 50 groundwater wells for groundwater sampling and monitoring; abandoning 20 groundwater wells; routine maintenance of existing structures at both sites 1 and 2; maintenance of roads at Sites 1 and 2; drilling as many as 400 soil assessment boreholes for collection of soil samples; installing up to 200 temporary soil gas probes; unexploded ordnance surveys; mowing work areas and depositing non-hazardous soils and debris onsite. The work will occur over a five year period, and includes restoration of areas of the site disturbed by the investigative activities. Implementation of the Project as proposed will result in direct and indirect temporary impacts to 3.0 acres of Stephens' kangaroo rat (*Dipodomys stephensi*, "SKR") habitat, which represents less than 0.05 percent of the SKR-occupied habitat on the Potrero site. The Project is more specifically described in the Habitat Conservation Plan ("HCP") prepared for the project on May 10, 2005.

Because of the Project's potential to result in take of the federally-listed endangered SKR, LMC consulted with the U.S. Fish and Wildlife Service (Service), as required by section 10(a)(1)(B) of the federal Endangered Species Act. The SKR is also listed as threatened under the California Endangered Species Act, Fish and Game Code section 2050 et. seq. ("CESA"). On October 14, 2005, the U.S. Fish and Wildlife Service issued Incidental Take Permit No. TE110582-0 ("ITP") to LMC. The ITP authorizes incidental take of SKR that may result from project activities and requires LMC to comply with all conservation and mitigation measures proposed in the HCP. On Octo-

ber 27, 2005, the Director of the Department of Fish and Game ("Department") received a notice from LMC seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the ITP is consistent with CESA.

DETERMINATION

After reviewing the above-referenced ITP and HCP, the Department has determined that ITP No. TE110582-0 is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are measures from the ITP and HCP which include, but are not limited to the following:

1. A site biologist will conduct pre-activity surveys for SKR and will be on site to monitor activities,
2. Activities will be limited to daylight hours,
3. Burrows will be flagged and avoided whenever possible,
4. LMC will minimize the damage to burrows by heavy equipment by implementing load-spreading measures,
5. Driving and staging areas will be limited to the smallest possible area and will be established in low burrow density areas, as directed by the site biologist, and
6. LMC will refill boreholes, smooth soils, and otherwise restore all activity sites to the extent possible.

Pursuant to section 2080.1 of the Fish and Game Code, authorization under CESA will not be required for incidental take of SKR provided the Project and the identified mitigation measures are implemented as described in the ITP and HCP. If there are any substantive changes to the project, including changes to the mitigation measures, or if the Service amends or replaces the ITP, Lockheed Martin Corporation Properties will need to obtain a new Consistency Determination or a CESA incidental take permit from the Department for any Project activities that might result in take of SKR.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Laguna Interceptor Extension Project Sacramento County

The Department of Fish and Game ("Department") received a notice on November 22, 2005 that the Sacramento Regional County Sanitation District ("SRCSD") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the Califor-

nia Endangered Species Act ("CESA"). This project consists of the installation of wastewater conveyance infrastructure and related facilities in Sacramento County and completion of emergency tunneling operations between Laguna Creek and Fishhead Lake. The activities will result in temporary impacts to 1.92 acres of giant garter snake (*Thamnophis gigas*) habitat.

The U.S. Fish and Wildlife Service, on November 9, 2005, issued to the U.S. Army Corps of Engineers ("Corps"), an amendment (1-1-06-F-0006) to the previously issued no jeopardy federal biological opinion (1-1-03-F-0104) which considered the federally and state threatened giant garter snake, and authorized incidental take. The amendment authorizes work at Laguna Creek and Fishhead Lake to occur until February 28, 2006.

Pursuant to California Fish and Game Code Section 2080.1, SRCSD is requesting a determination that federal biological opinion 1-1-06-F-0006 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, SRCSD will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Southern California Edison Lower Tule River Flume Repair Tulare County

The Department of Fish and Game (Department) received notice on November 17, 2005 that Southern California Edison (SCE) proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). SCE proposes to repair several sections of flume structures along the Lower Tule River Hydroelectric Project that were destroyed or damaged by forest fires in 2004. The project site is located in Tulare County, California. The Project will impact approximately 350 individuals of the federally-listed threatened and state-listed endangered Springville clarkia (*Clarkia springvillensis*).

On November 3, 2005, the U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" biological opinion (1-1-06-F-0003) to the Federal Energy Regulatory Commission. The biological opinion analyzes the effects of the proposed project and authorizes incidental take of Springville clarkia.

Pursuant to California Fish and Game Code Section 2080.1, SCE is requesting a determination that biological opinion 1-1-F-0003 is consistent with the requirements of CESA. If the Department determines that the biological opinion is consistent with CESA,

SCE will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Stone Creek Subdivision Project Shasta County

The Department of Fish and Game (Department) received notice on November 17, 2005 that Schellinger Brothers proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the construction of 157 residential units on 50.4 acres of undeveloped land in Shasta County. The activities will impact a seasonal swale that fills a 0.216-acre wetland that supports slender Orcutt grass (*Orcuttia tenuis*).

The U.S. Fish and Wildlife Service (Service), on March 11, 2005, issued to the U.S. Army Corps of Engineers (Corps), a no jeopardy federal biological opinion (1-1-04-F-0313) which considers the federally threatened and state endangered slender Orcutt grass and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Schellinger Brothers is requesting a determination that the federal biological opinion 1-1-04-F-0313 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, Schellinger Brothers will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA No. 2080-2005-028-02

PROJECT: Stage 1 of the Feather River, Bear River, and Western Pacific Interceptor Canal Levee Improvement Project: Work Window Extension

LOCATION: Yuba County

PROPONENT: Three Rivers Levee Improvement Authority

BACKGROUND

The Three Rivers Levee Improvement Authority (TRLIA) is proposing improvements to the flood management system in southern Yuba County, including segments of the Feather River, Bear River, and Western Pacific Interceptor Canal (WPIC). Improvements for Stage 1 of the overall project are collectively

termed the Feather-Bear-WPIC Levee Project (hereafter, the "Project"). Stage 2 actions will be pursued under separate authorizations. The proposed Project is located in southwestern Yuba County near the confluence of the Bear and Feather Rivers. The main features of the proposed Project are a new setback levee, environmental enhancement of the new setback area, and mitigation for any environmental impacts. Activities associated with construction of the Project will result in potential take of giant garter snake (*Thamnophis gigas*), which is listed as threatened under the California Endangered Species Act, Fish and Game Code sections 2050 et seq. (CESA).

Because of the Project's potential for take of the giant garter snake, the U.S. Army Corps of Engineers (ACOE) consulted with the U.S. Fish and Wildlife Service (Service) as required by the Endangered Species Act (ESA)(16 U.S.C. § 1531 et seq.). On August 10, 2005, the Service issued Biological Opinion No. 1-1-05-F-0106 which considers the Project and sets forth measures to mitigate impacts to the giant garter snake. On September 15, 2005, the Department of Fish and Game (Department) determined that the Biological Opinion was consistent with CESA as to anticipated take of giant garter snake (Consistency Determination No. 2080-2005-021-02). Subsequently, TRLIA requested and received permission from the Service (via e-mail on October 31, 2005) to extend work in giant garter snake habitat until November 30, 2005. On October 31, 2005, Jones & Stokes, on behalf of TRLIA, requested that the Department find the amended work schedule authorized by the Service consistent with CESA.

DETERMINATION

The Department has determined that Biological Opinion No. 1-1-05-F-0106, as amended by the Service's October 31, 2005 e-mail, is consistent with CESA because the Project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Specifically, the Department finds that extending work as proposed in the Jones & Stokes October 31, 2005 request will not result in any new, unmitigated impacts to giant garter snake and its habitat, provided TRLIA continues to implement and comply with the measures required in Biological Opinion 1-1-05-F-0106. These measures include:

1. Within 24 hours prior to initiation of construction activities, or a break (two weeks or more) in construction activity, an approved biologist will survey the site.
2. When working in aquatic areas capable of supporting prey for the giant garter snake, TRLIA will dewater the habitat 15 days prior to the initiation of

construction activities. An approved biological monitor will be present during all dewatering activities.

3. Construction personnel will participate in an approved worker environmental awareness training program. Under the guidelines of this program, workers shall be informed about the presence of snakes and habitat associated with the species and that unlawful take of the animal or destruction of its habitat is a violation of ESA. Prior to construction activities, a qualified biologist shall instruct construction personnel about: the life history of the snake; the importance of irrigation canals, marshes/wetlands, and seasonally flooded areas, such as rice fields, to the species; and the terms and conditions of the Biological Opinion.
4. Movement of heavy equipment to and from the Project site shall be restricted to established roadways to minimize habitat disturbance.
5. Any erosion control matting will not include monofilament or plastic; the matting will be comprised of jute, straw, coconut matting, or other natural fibers.
6. TRLIA will implement daily monitoring and surveys for the presence of giant garter snakes, daily inspection of fencing, and continuous observation of construction activities (including dewatering).

Pursuant to Fish and Game Code section 2080.1, authorization under CESA will not be required for incidental take of giant garter snake for the Project, provided that TRLIA implements the Project as described in the Biological Opinion and complies with the mitigation measures described in the Biological Opinion. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Biological Opinion to include impacts or mitigation that are not addressed in the Biological Opinion or the October 31, 2005 e-mail amendment, TRLIA will be required to obtain a new consistency determination or a CESA incidental take permit from the Department.

DEPARTMENT OF FISH AND GAME

INCONSISTENCY DETERMINATION

Fish and Game Code section 2080.1
CESA No. 2080-2005-026-05

PROJECT: River Street Residential Project in Fillmore ("Townhomes")
LOCATION: Ventura County
APPLICANT: Mr. Steven Nelson, PCR Services, on behalf of L2 Companies

BACKGROUND

The proposed action described in the federal biological opinion (U.S. Fish and Wildlife Service CON-1-8-04-F-39) is the construction of 55 to 66 residential units, associated roadways and infrastructure, and a partially buried soil-cement and native alluvium levee on an 11.4 acre site in the City of Fillmore. Development of the site will directly impact 2.71 acres and indirectly impact 1.83 acres of riparian habitat used by the Federally and State endangered least Bell's vireo (*Vireo bellii pusillus*).

The biological opinion sets forth a series of conservation measures to mitigate the impacts of construction of the project on least Bell's vireo. On October 12, 2005, the Director of the Department of Fish and Game (Department) received a notice from Mr. Steven Nelson of PCR Services Corporation, representing L2 Companies/River Central Investments, LLC, seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the federal biological opinion is consistent with the California Endangered Species Act (CESA) regarding the impacts to and mitigation for the least Bell's vireo.

DETERMINATION

After review and consideration of the above-referenced federal biological opinion, the Department has determined that it is not consistent with CESA because the project and mitigation measures do not meet the requirements set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species listed under CESA. This determination is based on the following considerations:

1. The Applicant proposes to compensate for impacts to habitat through the purchase of 40 acres of unoccupied but suitable least Bell's vireo riparian habitat east of Sespe Creek. This property would be donated to the Nature Conservancy along with an endowment. However, the measure does not require an easement over the property to ensure its maintenance in perpetuity, does not specifically describe the amount of the endowment, and does not provide funding assurances for the purchase of the property ("Security"), all of which are required under CESA.
2. The conservation measures described in the biological opinion do not contain adequate specificity necessary for the Department to determine if impacts to least Bell's vireo before and during construction would be minimized and fully mitigated, as required by CESA.

For these reasons, the Department has determined there is substantial evidence that biological opinion No. CON-1-8-04-F-39 is not consistent with CESA

because it does not ensure that the impacts to least Bell's vireo will be minimized and fully mitigated. Pursuant to section 2080.1(c) of the Fish and Game Code, a section 2081(b) incidental take permit must be obtained for any incidental take of the least Bell's vireo that could occur as a result of the construction of the project.

DECISION NOT TO PROCEED

BOARD OF PHARMACY

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

California Code of Regulations Title 16,
Sections 1713 and 1717

Pursuant to Government Code section 11347, notice is hereby given that the California Board of Pharmacy has decided not to proceed with adopting sections 1713 and 1717 of Title 16 of the California Code of Regulations, regarding Prescription Drop Boxes and Automated Delivery Devices; Notice File No. Z-05-0816-07, published on August 26, 2005, in the California Regulatory Notice Register.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

ATHLETIC COMMISSION Mixed Martial Arts

This regulatory action is to implement and make specific recent changes to Business & Professions Code §§ 18627 and 18640 wherein the term "martial arts" was redefined to include any combination of martial arts including mixed martial arts. Current statutes and regulations only address kickboxing are largely piggy-backed on the boxing rules and regulations. This action provides specificity in regulations to govern full contact mixed martial arts events and

distinguishes between the rules and requirements for kickboxing and those for other martial arts.

Title 4

California Code of Regulations

ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521

Filed 11/28/05

Effective 12/28/05

Agency Contact: Anita Scurri (916) 445-4216

BOARD OF FORESTRY AND FIRE PROTECTION
Performance Based Hazard Reduction, 2006

This action adopts or amends three regulations for the Southern Forest District that will provide foresters with an alternative means for processing snags and slash left after logging operations for the purposes of reducing fire and pest hazards.

Title 14

California Code of Regulations

ADOPT: 957.11, 957.12 AMEND: 957

Filed 11/30/05

Effective 01/01/06

Agency Contact:

Christopher Zimny (916) 653-9418

BOARD OF PSYCHOLOGY

Continuing Education Requirements

This regulatory action is intended to increase the number of quality continuing education courses by accepting continuing education credit courses that are (1) provided by American Psychological Association approved sponsors, (2) applicable and pertinent to the practice of psychology and accredited by the California Medical Association or the Accreditation Council for Continuing Medical Education, or (3) sponsored by the Academies of the specialty boards of the American Board of Professional Psychology.

Title 16

California Code of Regulations

AMEND: 1397.61(f)

Filed 11/29/05

Effective 01/01/06

Agency Contact: Kathy Bradbury (916) 263-0712

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Vocational Nursing IV Therapy Regulations

In this "change without regulatory effect" filing, the Board of Vocational Nursing and Psychiatric Technicians amends regulations pertaining to licensed vocational nurses performing "intravenous therapy" and "intravenous therapy/blood withdrawal" to reflect a recent judicial ruling and judgment.

Title 16

California Code of Regulations

AMEND: 2542, 2542.1, 2547, 2547.1

Filed 11/30/05

Effective 12/30/05

Agency Contact:

Suellen Clayworth (916) 263-7841

CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY

Community Clinic Grant Program of 2005

This regulatory action establishes the criteria for the award of a grant for community health clinics.

Title 4

California Code of Regulations

ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013

Filed 11/28/05

Effective 11/28/05

Agency Contact: Ray Artinian (916) 653-3841

DEPARTMENT OF CORPORATIONS

AG's Fingerprint Transmission Requirement

This is a nonsubstantive action conforming regulations with statutory changes, specifically Statutes of 2003, Chapter 470, added to Section 11077.1 of the Penal Code. The subject concerns fingerprint transmission requirements to the Department of Justice.

Title 10

California Code of Regulations

AMEND: 260.210, 260.211, 1726, 1950.122, 2020

Filed 11/23/05

Effective 12/23/05

Agency Contact: Karen Fong (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine

This emergency amendment to 3 CCR 3406(b), to be effective on filing with the Secretary of State, expands by another 41 square miles the existing San Bernardino County Mediterranean fruit fly quarantine area, some of which has been established by other, recent emergency regulations. Three new infestation epicenters were determined to exist in the Rancho Cucamonga area based on four November 2005 trap findings of egg-laden adult female flies, shortly after filing of the last emergency amendment to this section on 10/25/05.

Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 11/23/05

Effective 11/23/05

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Service Agency Examination and Licensing

This regulatory action deals with the application for licensure as a service agent, and the requirements for replacing a lost or mutilated service agent license and maintaining a service agent license.

Title 4

California Code of Regulations

AMEND: 4083

Filed 11/23/05

Effective 12/23/05

Agency Contact: Roger Macey

STATE WATER RESOURCES CONTROL BOARD
Orphan Site Cleanup Account

This emergency regulatory action establishes the grant program for the removal of leaking petroleum underground storage tanks (UST) and the investigation and cleanup of petroleum contamination from USTs at sites that qualify as Brownfields. These emergency regulations establish general definitions, eligibility requirements, a priority system for paying eligible applicants, funding limitations, and define the types of costs that qualify for funding.

Title 23

California Code of Regulations

ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

Filed 11/28/05

Effective 11/28/05

Agency Contact: Lori Brock (916) 341-5158

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JULY 6, 2005
 TO NOVEMBER 30, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

11/16/05 AMEND: 1181

11/07/05 AMEND: 20107

11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321,

1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 1

10/31/05 AMEND: 1859.2, 1859.81, 1866

10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01

10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1

10/18/05 ADOPT: 18732.5

10/11/05 ADOPT: 18117, 18772

10/11/05 AMEND: 18450.4

10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750

10/06/05 ADOPT: 18735.5

09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284

09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000

09/13/05 AMEND: 18730

09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800

09/06/05 ADOPT: 1183.12, 1183.13, 1183.14 AMEND: 1181, 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.1, 1183.11, 1183.12, 1183.2, 1183.21, 1183.3, 1187, 1187.2, 1187.3, 1187.4, 1188.1, 1188.3, 1188.4,

08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000

08/15/05 AMEND: 51000

08/09/05 ADOPT: 59520

08/04/05 AMEND: 2271

07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000

07/20/05 ADOPT: 18530.7

07/20/05 AMEND: 18570

07/18/05 AMEND: 18452

07/18/05 AMEND: 55400

07/06/05 AMEND: 7286.0

Title 3

11/23/05 AMEND: 3406(b)

10/25/05 AMEND: 3406(b)

10/24/05 AMEND: 3433(b)

10/20/05 AMEND: 3591.19(a)

10/19/05 AMEND: 3406(b)

10/18/05 ADOPT: 3591.18

10/17/05 AMEND: 3406(b)

10/07/05 AMEND: 3406(b)

10/07/05 ADOPT: 6551

10/04/05 ADOPT: 3963

10/03/05 AMEND: 3433

09/28/05 ADOPT: 3591.19

09/27/05 AMEND: 3700(c)

09/16/05 ADOPT: 581

08/12/05 AMEND: 3700(c)

08/08/05 ADOPT: 1811, 1812, 1850 AMEND: 1804, 1806, 1808, 1831, 1930, 1931, 1932, 1940, 1941, 1942, 1943, 1944,

1945, 1946, 1950 REPEAL: 1809, 1810,
1851, 1851.1, 1870.1, 1870.2, 1871,
1872, 1873, 1951, 1960, 1961
07/21/05 AMEND: 6400
07/11/05 AMEND: 3423(b)

Title 4

11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079,
7079, 7080, 7081, 7082, 7083, 7084,
7085, 7086, 7087, 7088, 7089, 7090,
7091, 7092, 7093, 7094, 7095, 7096,
7097, 7098, 7099 REPEAL: 7000, 7001,
7003, 7004, 7005, 7006, 7007, 7008,
7009, 7010, 7011, 7012, 7013, 7013.
11/28/05 ADOPT: 503, 512, 515, 516, 517, 518,
519, 523, 524 AMEND: 500, 501, 502,
510, 513, 514, 520, 552, 530, 531, 533
REPEAL: 521
11/23/05 AMEND: 4083
11/01/05 ADOPT: 10300, 10302, 10310, 10315,
10317, 10320, 10322, 10325, 10326,
10327, 10335, 10337
10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025,
9027, 9050, 9051, 9052, 9053, 9054,
9055, 9056, 9057, 9058, 9059, 9060,
9061, 9062, 9063, 9064, 9065, 9066,
9067, 9068, 9069, 9070 AMEND: 9020,
9030, 9031, 9032, 9041, 9043
10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034,
7035, 7036, 7037, 7038, 7039, 7040,
7041, 7042, 7043, 7044, 7045, 7046,
7047, 7048, 7049, 7050 AMEND: 7047,
7048 REPEAL: 7049
10/12/05 AMEND: 1433
09/13/05 ADOPT: 1843.6
09/12/05 AMEND: 4140
08/24/05 AMEND: 1663
08/17/05 AMEND: 1976.9
08/08/05 AMEND: 1887

Title 5

11/15/05 AMEND: 6111
11/10/05 AMEND: 19826.1
10/19/05 AMEND: 11900, 11905, 11915, 11920,
11925, 11930, 11935
10/14/05 ADOPT: 18092.5 AMEND: 18066,
18069, 18078, 18081, 18083, 18084,
18092, 18103, 18106, 18109, 18110
10/14/05 ADOPT: 18092.5 AMEND: 18066,
18069, 18078, 18081, 18083, 18084,
18092, 18103, 18106, 18109, 18110
10/11/05 ADOPT: 18220.2, 18224.2, 18224.4,
18240.5, 18249 AMEND: 18220, 18240,
18248, 18244
10/11/05 ADOPT: 19850, 19851, 19852, 19853,
19854 AMEND: 19814, 19814.1
09/28/05 AMEND: 50500
09/01/05 REPEAL: 1630

08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854,
855, 857, 858, 859, 861, 862, 863, 864,
864.5, 865, 866, 867, 867.5, 868870
08/16/05 ADOPT: 1207.5 AMEND: 1200, 1203,
1204.5, 1206, 1207, 1209, 1210, 1211,
1211.5, 1215, 1215.5, 1216, 1217, 1225
08/01/05 ADOPT: 15140, 15141
07/28/05 ADOPT: 1030.5, 1030.6, 1030.7, 1030.8
07/12/05 AMEND: 22000

Title 8

11/22/05 ADOPT: 13694
11/22/05 ADOPT: 13680, 13681, 13682, 13683,
13684, 13685, 13686, 13687, 13688,
13689, 13690, 13691, 13692, 13693
09/29/05 AMEND: 9789.11
09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
9792.10 REPEAL: 9792.11
09/09/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
9767.5, 9767.6, 9767.7, 9767.8, 9767.9,
9767.10, 9767.11, 9767.12, 9767.13,
9767.14, 9767.15
08/25/05 AMEND: 6184
08/22/05 ADOPT: 3395
08/10/05 AMEND: 8615
08/09/05 AMEND: 6251
08/02/05 ADOPT: 5022.1 AMEND: 4968
08/02/05 AMEND: 770
07/28/05 AMEND: 1529, 1535, 5190, 5210, and
8358

Title 10

11/23/05 AMEND: 260.210, 260.211, 1726,
1950.122, 2020
11/16/05 AMEND: 2699.6600, 2699.6809
11/15/05 AMEND: 2690.1
11/03/05 ADOPT: 2698.95.1, 2698.95.11,
2698.95.12, 2698.96, 2698.97, 9698.97.1,
2698.98, 2698.98.1 AMEND: 2698.95
10/20/05 AMEND: 2318.6, 2353.1, 2354
10/07/05 ADOPT: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42, 2698.43 REPEAL:
Sections 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.
09/28/05 AMEND: 2498.4.9
09/28/05 AMEND: 260.121
07/07/05 AMEND: 4010, 4011, 4013, 4016, 4018,
4019, 5000, 5001, 5002, 5003, 5005,
5006, 5007, 5008, 5009, 5010, 5013,
5020, 5050, 5051, 5060, 5061, 5070,
5110, 5111, 5112, 5113, 5114, 5115,
5116, 5117, 5118, 5119, 5260, 5261,
5262, 5263, 5264, 5266, 5267, 5268,

Title 11

11/22/05 ADOPT: 49.17
 10/24/05 AMEND: 1070, 1081, 1082
 08/22/05 AMEND: 1002, 1007, 1018, 1008, 1015
 08/22/05 AMEND: 1001, 1002, 1007
 08/12/05 AMEND: 1005, 1060
 08/01/05 AMEND: 1005, 1014
 07/28/05 ADOPT: 720, 721, 722, 723, 724,

Title 12

09/19/05 ADOPT: 460, 461

Title 13

11/08/05 AMEND: 550, 551.11, 551.12
 10/27/05 AMEND: 2453, 2455
 10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23
 09/15/05 AMEND: 1961(d)
 09/15/05 ADOPT: 1961.1 AMEND: 1900, 1961
 09/12/05 AMEND: 2262, 2264.2, 2266.5(a)(6)
 08/24/05 AMEND: 551.2, 551.15
 08/18/05 AMEND: 2754
 08/16/05 AMEND: 345.39, 345.45, 345.56, 345.78
 08/11/05 AMEND: 423.00
 08/08/05 AMEND: 2185
 08/02/05 AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465
 07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
 07/27/05 AMEND: 350.24
 07/19/05 ADOPT: 15.04

Title 14

11/30/05 ADOPT: 957.11, 957.12 AMEND: 957
 11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]
 11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
 11/02/05 AMEND: 632
 11/01/05 ADOPT: 2.45, 251.9
 10/31/05 AMEND: 180.1
 10/26/05 AMEND: 2516
 10/25/05 AMEND: 11900
 10/24/05 AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
 10/18/05 ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
 10/13/05 AMEND: 895, 895.1, 1038, 1038(f)
 10/13/05 AMEND: 699.5
 10/12/05 ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1,

18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466
 10/06/05 AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070,
 09/30/05 AMEND: 502, 506
 09/21/05 ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,
 09/20/05 AMEND: 13800
 08/26/05 AMEND: 7.50(b)(91.1)
 08/24/05 AMEND: 183 REPEAL: 188
 08/23/05 AMEND: 7.50
 08/23/05 AMEND: 230
 08/08/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
 08/05/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1
 07/21/05 AMEND: 18419
 07/19/05 AMEND: 354, 360, 361, 362, 363, 478.1, 708
 07/13/05 AMEND: 122 REPEAL: Appendix A, Form DFG 122

Title 14, 27

08/23/05 AMEND: Title 14, sections 17850(a); 17852(a)(5), (a)(11), (a)(12), (a)(13), (a)(15), (a)(16), (a)(21), (a)(22), (a)(24), (a)(36), (a)(41); 17855(a), (a)(5)(A); 17855(a)(5)(B), (a)(7); 17855.4(a), (c), (d)(1), (d)(2), (d)(3); 17856(a), (c), (c)(1); 17

Title 15

11/21/05 ADOPT: 3999.2
 11/01/05 AMEND: 3287
 09/13/05 ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483
 08/23/05 AMEND: 3025
 08/03/05 ADOPT: 3436
 07/07/05 ADOPT: 3187 AMEND: 3006, 3188, 3189, 3331

Title 16

11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1
 11/29/05 AMEND: 1397.61(f)
 11/21/05 AMEND: 1397.61(a)
 11/18/05 AMEND: 1364.11
 11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4
 10/24/05 AMEND: 1399.50, 1399.52
 10/20/05 AMEND: 1922.3
 10/20/05 AMEND: 1870, 1870.1, 1874
 10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
 10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
 10/06/05 AMEND: 1016, 1017
 10/05/05 AMEND: 1014, 1014.1
 09/20/05 AMEND: 407(c)
 09/09/05 AMEND: 1399.170.11
 09/07/05 ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732.6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
 09/06/05 ADOPT: 1659.30(a)(b)(c), 1659.31(a)(b), 1659.32(a)(b), 1659.33, 1659.34(a)(b)(c), 1659.35
 09/06/05 ADOPT: 1070.4
 08/29/05 AMEND: 404.1, 404.2
 08/25/05 AMEND: 1399.15
 08/25/05 AMEND: 473
 08/16/05 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216, 4218, 4220, 4222, 4224, 4226, 4228, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268
 07/28/05 AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391
 07/27/05 AMEND: 2085.2
 07/26/05 AMEND: 418
 07/22/05 AMEND: 109, 116, 117
 07/22/05 AMEND: 1888
 07/21/05 ADOPT: 1070.5
 07/18/05 ADOPT: 1399.327, 1399.350.5, 1399.352.7, 1399.372.5
 07/12/05 AMEND: 1397.51
 07/06/05 ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953

Title 17

11/10/05 AMEND: 54355, 56002, 56040
 10/18/05 ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
 09/12/05 ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4

09/07/05 REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
 08/31/05 ADOPT: 93102.5
 08/18/05 AMEND: 94006
 08/01/05 ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834, 58840, 58841, 58842, 58850, 58851, 58860, 58861, 58862, 58863, 58864, 58870, 58871, 58872, 58873, 58874, 58875, 58876, 58879, 58880, 58881, 58882 AMEND: 54302,
 07/22/05 ADOPT: 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, 50267
 07/11/05 AMEND: 54319

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10/04/05 AMEND: 1698
 07/08/05 ADOPT: 4056.1

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09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842
 07/26/05 AMEND: 1340, 1341, 1342, 1343, 1344

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09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

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11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000
 10/04/05 AMEND: 80072(a)(8), 85068.4
 09/27/05 AMEND: 311-1
 09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417
 09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1, 4444
 08/24/05 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501
 08/12/05 AMEND: 12705
 08/12/05 AMEND: 12805
 08/11/05 AMEND: 97212, 97232, and 97241.

08/10/05 ADOPT: 97800, 97810, 97820, 97830,
97840, 97850, 97860, 97870, 97880,
97890

07/11/05 AMEND: 70217

07/06/05 ADOPT: 72516, 73518

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08/05/05 ADOPT: 40-036 AMEND: 22-071, 22-
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40-119, 40-125, 40-131, 40-173, 40-181,
40-188, 40-190, 41-405, 42-209, 42-213,
42-221, 42-302, 42-406, 42-407, 42-716,
42-721, 42-751, 42-769, 44-101, 44-102,
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11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,
2814.23, 2814.24, 2814.25, 2814.26,
2814.27, 2814.28, 2814.29, 2814.30,
2814.31, 2814.32, 2814.33, 2814.34,
2814.35, 2814.36, 2814.37

10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066,
1067, 1071, 1077, 3833.1 REPEAL: 793

10/13/05 ADOPT: 2200.6 AMEND: 2200

10/12/05 ADOPT: 3005

10/04/05 AMEND: 2908

10/03/05 AMEND: 3900

09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms
CIWMB 173 (4/04), 180(3/04) AMEND:
18449, 18450, 18451, 18456, 18459,
18459.2.1, 18459.3, 18461, 18462

09/08/05 ADOPT: 3966

08/19/05 AMEND: 2611

08/18/05 ADOPT: 3906

07/25/05 ADOPT: 3298

07/22/05 ADOPT: 3979

07/13/05 ADOPT: 3420, 3421, 3422, 3423, 3424,
3425, 3426, 3427, 3428

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11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348

09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434

08/12/05 AMEND: 8204, 8210, 8211, 8212,
8212.1, 8213, 8217

07/22/05 ADOPT: 1019, 1105, 1276, 2105, 2276

07/11/05 AMEND: 8002, 8004, 8012, 8014

07/07/05 ADOPT: 8439, 8439.1, 8439.2, 8439.3,
8439.4, 8440, 8440.1, 8440.2, 8440.3,
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8441.5, 8442, 8442.1, 8442.2, 8442.3,
8442.4, 8442.5, 8442.6, 8442.7, 8442.8,
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11/17/05 AMEND: 21685

09/29/05 ADOPT: 20070, 21569, 21835

09/26/05 ADOPT: 15241, 15242

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08/22/05 ADOPT: 1300.67.1.3

08/10/05 ADOPT: 1300.75.4.2, 1300.75.4.4,
1300.75.4.7, 1300.75.4.8

AMEND: 1300.75.4, 1300.75.4.5

07/25/05 AMEND: 1300.74.30

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09/20/05 REPEAL: 11-405.22

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08/05/05 ADOPT: 63-508, 63-509 AMEND: 63-
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63-410, 63-501, 63-503, 63-504, 63-505,
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